

**BEFORE THE TENNESSEE REGULATORY AUTHORITY**

**NASHVILLE, TENNESSEE**

**August 12, 2003**

**IN RE:**

**PETITION FOR APPROVAL OF AMENDMENT  
TO RESALE AGREEMENT BETWEEN  
BELL SOUTH TELECOMMUNICATIONS, INC.  
AND RING CONNECTION, INC.**

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**DOCKET NO.  
03-00346**

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**ORDER APPROVING  
FIRST AMENDMENT TO RESALE AGREEMENT**

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This matter came before Chairman Deborah Taylor Tate, Director Sara Kyle and Director Ron Jones of the Tennessee Regulatory Authority (the "Authority"), the voting panel assigned to this docket, at a regularly scheduled Authority Conference held on July 21, 2003, to consider, pursuant to 47 U.S.C. § 252, the Petition for approval of the first amendment to the resale agreement negotiated between BellSouth Telecommunications, Inc. and Ring Connection, Inc.

The original resale agreement was filed on December 3, 2001, and was assigned Docket No. 01-01057.<sup>1</sup> It was approved at a regularly scheduled Authority Conference on January 23, 2002. The first amendment, which is the subject of this docket, was filed on May 19, 2003.

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<sup>1</sup> In Docket No. 00-00326, by Order dated May 23, 2000, Appliance & TV Rentals d/b/a Fones-4-U was granted authority to resell telecommunications services within the State Tennessee. *See In re: Application for Authority to Provide Operator Services and/or Resell Telecommunications Services in Tennessee Pursuant to Rule 1220-4-2-.57*, Docket No. 00-00326, *Order* (May 23, 2000). The original resale agreement was entered into by Appliance & TV Rentals, Inc. d/b/a Fones-4-U. Ring Connection, Inc. subsequently acquired ownership of Appliance & TV Rentals, Inc. *See In re: Application of Appliance & TV Rentals d/b/a Fones-4-U for Approval of Transfer of Authority to Provide Utility Services*, Docket No. 01-01114, *Order Approving Transfer of Authority* (April 30, 2002).

Based upon a review of the first amendment, the record in this matter, and the standards for review set forth in 47 U.S.C. § 252, the Directors unanimously granted the Petition and made the following findings and conclusions:

- 1) The Authority has jurisdiction over public utilities pursuant to Tenn. Code Ann. § 65-4-104.
- 2) The amendment is in the public interest as it provides consumers with alternative sources of telecommunications services within the service area of BellSouth Telecommunications, Inc.
- 3) The amendment is not discriminatory to telecommunications service providers that are not parties thereto.
- 4) 47 U.S.C. § 252(e)(2)(A) provides that a state commission may reject a negotiated agreement only if it “discriminates against a telecommunications carrier not a party to the agreement” or if the implementation of the agreement “is not consistent with the public interest, convenience or necessity.” Unlike arbitrated agreements, a state commission may not reject a negotiated agreement on the grounds that the agreement fails to meet the requirements of 47 U.S.C. §§ 251 or 252(d).<sup>2</sup> Thus, although the Authority finds that neither ground for rejection of a negotiated agreement exists, this finding should not be construed to mean that the amendment is consistent with §§ 251 or 252(d) or, for that matter, previous Authority decisions.
- 5) No person or entity has sought to intervene in this docket.
- 6) The amendment is reviewable by the Authority pursuant to 47 U.S.C. § 252 and Tenn. Code Ann. § 65-4-104.

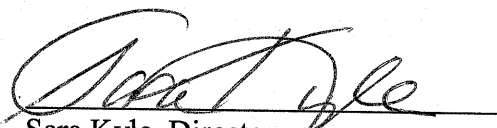
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<sup>2</sup> See 47 U.S.C. § 252(e)(2)(B).

**IT IS THEREFORE ORDERED THAT:**

The Petition is granted, and the first amendment to the resale agreement negotiated between BellSouth Telecommunications, Inc. and Ring Connection, Inc. is approved and is subject to the review of the Authority as provided herein.

  
Deborah Taylor Tate, Chairman

  
Sara Kyle, Director

  
Ron Jones, Director